

SERVICE DATE - LATE RELEASE JUNE 6, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 41191 (Sub-No. 1)

AEP TEXAS NORTH COMPANY

v.

BNSF RAILWAY COMPANY

Decided: June 3, 2005

In this case, AEP Texas North Company (AEP Texas), successor in interest to West Texas Utilities Company, challenges the reasonableness of rates charged by BNSF Railway Company (BNSF) for movements of coal from origins in the Power River Basin of Wyoming to AEP Texas' Oklaunion Generating Station near Vernon, TX. The parties filed their opening evidence on March 1, 2004; reply evidence on May 24, 2004; and rebuttal evidence on July 27, 2004. In a decision served on April 22, 2005, the Board established a briefing schedule providing for a single round of simultaneous briefs to be filed by June 9, 2005.

On May 18, 2005, BNSF filed a motion to suspend the briefing schedule, pending disposition of its concurrently filed motion to dismiss. On May 20, 2005, AEP Texas filed a reply in opposition to BNSF's motion to suspend the briefing schedule. All of the evidence has been submitted in this proceeding and the briefs simply allow the parties to summarize their positions on key evidentiary issues. Therefore, it is not necessary to suspend the briefing schedule pending the Board's consideration of the motion to dismiss.

It is ordered:

1. BNSF's motion to suspend the briefing schedule is denied.
2. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.

**Vernon A. Williams
Secretary**